

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JOHNNY DUANE CULLEY,

Plaintiff,

No. 03:11-cv-01498-AC

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

ORDER

Defendant.

HERNANDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation (#23) on April 2, 2013, in which he recommends that this Court reverse the Commissioner's decision and remand the case for an award of benefits. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,

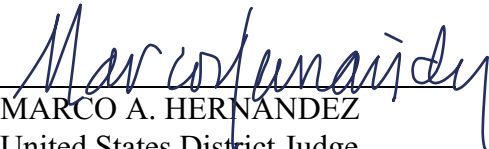
840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings & Recommendation [23]. Accordingly, this case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g), for an award of benefits, calculated from Culley's alleged onset date of September 12, 2007.

IT IS SO ORDERED.

DATED this 7 day of May, 2013.


MARCO A. HERNANDEZ
United States District Judge